VIRGINIA:

## BEFORE THE COMMITTEE OF THE JOINT BOARDS OF NURSING AND MEDICINE

IN RE:

PATRICIA A. HOLBERT, R.N., L.N.P.

## NOTICE OF HEARING

Pursuant to §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), Patricia A. Holbert, R.N., L.N.P., who holds License No. 0001-078406 to practice professional nursing, License No. 0024-078406 to practice as a nurse practitioner, and License No. 0017-001029 for prescriptive authority, which expire May 31, 2010, is hereby given notice that a formal administrative hearing will be held in the presence of a panel of the Committee of the Joint Boards of Nursing and Medicine ("Committee of the Joint Boards"). The hearing will be held on February 18, 2009, at 11:00 a.m., at the offices of the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Richmond, Virginia 23233, at which time Ms. Holbert will be afforded the opportunity to be heard in person or by counsel.

At the hearing, Ms. Holbert has the following rights, among others: the right to representation by counsel; the right to have witnesses subpoenaed and to present witnesses on her behalf; the right to present documentary evidence; and the right to cross-examine adverse witnesses. If Ms. Holbert desires any witnesses to appear on her behalf, she must notify the Director of Administrative Proceedings, Department of Health Professions, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, in accordance with the Instructions for Requesting Subpoenas.

The purpose of the hearing is to inquire into evidence that Ms. Holbert may have violated certain laws and regulations governing professional nursing and nurse practitioner practice in Virginia, as more fully set forth in the Statement of Particulars below.

## STATEMENT OF PARTICULARS

The Board alleges that:

- 1. Ms. Holbert may have violated § 54.1-2957.01(A) and (B) of the Code and 18 VAC 90-40-90(A) and 90-40-130(1) of the Virginia Regulations for Prescriptive Authority for Nurse Practitioners in that during the course of her employment as a nurse practitioner with Eastern Shore Rural Health Systems, from on or about December 12, 2005, through December 22, 2006, Ms. Holbert wrote prescriptions for patients without a Board-approved prescriptive authority agreement with her supervising physicians.
- 2. Ms. Holbert may have violated §§ 54.1-2957.01(A), (B), and (E), 54.1-3007(2) and (5), and 54.1-3303 of the Code, 18 VAC 90-20-300(A)(2)(b) of the Virginia Board of Nursing Regulations, 18 VAC 90-30-220(3) and (4) of the Virginia Regulations Governing the Licensure of Nurse Practitioners, and 18 VAC 90-40-130(1) of the Virginia Regulations for Prescriptive Authority for Nurse Practitioners in that, during the course of her employment as a nurse practitioner with Eastern Shore Rural Health Systems, by her own admission:
- a. On or about June 1, June 28, and August 28, 2006, Ms. Holbert prescribed Lunesta (eszopiclone) and Valium (diazepam, Schedule IV) to a personal friend who was not her patient or the patient of her employer, with whom she had no bona-fide practitioner-patient relationship, without ensuring that a medical or drug history was obtained, and without performing or having performed an appropriate examination. Ms. Holbert called the prescription for Valium in to a pharmacy giving the name of her supervising physician, without the physician's knowledge or approval.
- b. On or about July 27, 2006, Ms. Holbert directed a co-worker to call in to a pharmacy a prescription for Klonopin (clonazepam, Schedule IV) for her own personal use, and on or about September 15, 2006, she directed another co-worker to call in a prescription for Lexapro (escitalopram) for her own personal use. In each instance, Ms. Holbert did not ensure that a medical or drug history was obtained and she did not

perform or have performed an appropriate examination. Further, Ms. Holbert directed her coworkers to use the name of her supervising physician without the physician's knowledge or approval.

- 3. Ms. Holbert may have violated § 54.1-3007(2), (5) and (8) of the Code, 18 VAC 90-20-300(A)(2)(f) of the Board of Nursing Regulations, and 18 VAC 90-30-220(4) of the Regulations Governing the Licensure of Nurse Practitioners, in that during the course of her employment with Cumberland Plateau District of the Health Department, Tazewell, Virginia:
- a. On or about July 23, 2004, Patient A requested that Ms. Holbert not perform an invasive pelvic examination as she was not sexually active, and had never been sexually active. Ms. Holbert inappropriately denied the patient's request. Her examination resulted in excessive bleeding requiring Bacitracin to prevent infection.
- b. On or about July 23, 2004, Patient B requested a change in her birth control method as the Depo-Provera she was taking did not agree with her. Ms. Holbert inappropriately argued with her about her preference of birth control alternatives. This patient subsequently expressed fear of Ms. Holbert and future confrontation with her.
- c. On or about August 2, 2004, Ms. Holbert's supervising physician at Cumberland Plateau Health District, Lebanon, Virginia, temporarily rescinded her prescriptive authority and practice agreement due to unprofessional conduct in the clinical setting. He permanently rescinded the agreement on August 20, 2004. In addition to the allegations as set forth in 3(a) and 3(b) above, it was also reported to him that Ms. Holbert acted unprofessionally in that:
- i. Ms. Holbert made demeaning comments to patients, including but not limited to opining about patients' tattoos and piercings.
- ii. Ms. Holbert inappropriately commented to patients concerning their relationships.

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iii. Ms. Holbert told patients they could not receive certain forms of birth control until they complied with her order for a mammogram. This was not a clinical policy, but her own personal preference.

FOR THE COMMITTEE OF THE JOINT BOARDS

Jay P. Douglas R.N., M.S.M., C.S.A.C.

Executive Director for the

Board of Nursing

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